

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

DAVID SHEA,

Plaintiff,

v.

NANCY A. BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

Case No. 18-CV-611-JPS

**ORDER**

Plaintiff filed a complaint in this matter and a motion for leave to proceed without prepayment of the filing fee. (Docket #1 and #3). The Court may grant Plaintiff's motion to proceed without prepayment of the filing fee if it determines that: (1) Plaintiff is truly indigent and unable to pay the costs of commencing this action; and (2) Plaintiff's action is neither frivolous nor malicious. 28 U.S.C. § 1915(a) and (e)(2).

As to the first requirement, the privilege to proceed without payment of costs and fees "is reserved to the many truly impoverished litigants who . . . would remain without legal remedy if such privilege were not afforded to them." *Brewster v. N. Am. Van Lines, Inc.*, 461 F.2d 649, 651 (7th Cir. 1972). Plaintiff's motion does not equip the Court to make such a finding. He claims that he has absolutely no income or expenses of any kind. (Docket #3). Plaintiff does not attempt to explain this unbelievable circumstance in the "other circumstances" portion of the motion, other than to state that he unemployed because he is disabled. *Id.* at 5. The Court cannot find Plaintiff indigent absent a more complete disclosure of his income and expenses, or an explanation as to why he has none of either.

Plaintiff's motion will be denied without prejudice. Within fourteen days, Plaintiff must either 1) submit an amended motion for leave to proceed without prepayment of the filing fee, or 2) pay the full filing fee.

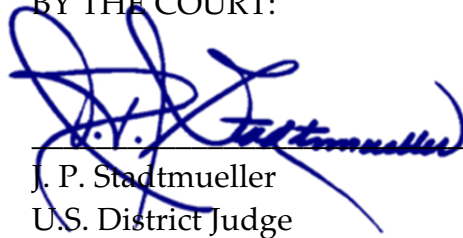
Accordingly,

**IT IS ORDERED** that Plaintiff's motion for leave to proceed without prepayment of the filing fee (Docket #3) be and the same is hereby **DENIED without prejudice**; and

**IT IS FURTHER ORDERED** that, within fourteen (14) days of the entry of this Order, Plaintiff shall either: 1) pay the full \$400.00 filing fee, or 2) submit an amended motion for leave to proceed without prepayment of the filing fee.

Dated at Milwaukee, Wisconsin, this 20th day of April, 2018.

BY THE COURT:



J. P. Stadtmueller  
U.S. District Judge